



US Army Corps
of Engineers
Seattle District

Special Public Notice

Regulatory Branch
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Notification of 2008 Fish Passage and Restoration Programmatic Consultation

Background. In July 2008, the U.S. Army Corps of Engineers, Seattle District (Corps), National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) completed programmatic consultation on nine categories of fish passage and habitat restoration and enhancement activities in Washington State pursuant to Section 7 of the Endangered Species Act (ESA) and the essential fish habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act. This programmatic consultation (2008 Fish Passage & Restoration PC) is available for projects requiring a Department of the Army permit under Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act. The 2008 Fish Passage & Restoration PC will expire on July 8, 2013.

Purpose. The purpose of the programmatic consultation is to provide a predictable and abbreviated ESA and EFH consultation process for projects proposing to improve fish passage and/or restore or enhance habitat of ESA-protected species.

Activities Included in the Programmatic Consultation. Following is a list of the nine categories of activities covered under the programmatic consultation. A complete description of each activity is given in the Corps' programmatic biological assessment (PBA).

1. Fish passage
 - A. Culvert replacement and relocation
 - B. Culvert retrofitting
 - C. Culvert removal
 - D. Tidegate removal
 - E. Removal or modification of sediment bars or terraces that block or delay salmonid migrations
 - F. Temporary placement of sandbags, hay bales and ecology blocks to improve salmonid passage
 - G. Construction of structures to provide fish passage over small dams
2. Installation of instream structures
 - A. Placement of woody debris
 - B. Placement of live stakes
 - C. Placement of engineered log jams
 - D. Placement of grade control engineered log jams

- E. Placement of structures to trap mobile wood
 - F. Placement of boulders
 - G. Placement of boulder weirs and construction of roughened channels
 - H. Gravel placement associated with an installed instream structure
3. Levee removal and modification
 4. Side channel and off channel habitat restoration and reconnection
 5. Salmonid spawning gravel restoration
 6. Forage fish spawning gravel restoration
 7. Placement of hardened fords and fencing for livestock stream crossings
 8. Irrigation screen installation and replacement
 9. Debris and structure removal

How to Use the Programmatic Consultation. Applicants for a Department of the Army permit who are proposing a restoration or habitat enhancement project would begin by reviewing the Corps' PBA to determine whether the proposed project falls within the PBA's nine categories of activities. If the proposed project meets the criteria outlined in the PBA, or the project does not meet all the criteria but is a restoration or enhancement action of similar scope and impacts, the applicant would fill out the Specific Project Information Form (SPIF) and submit the SPIF to the Corps along with a permit application. Once the permit application is complete, the Corps will review the SPIF, transmit it to the Services and notify the applicant of the transmittal. Within 30 days of receipt of the SPIF, the Services will approve the project if it meets the PBA criteria or slightly deviates from the criteria but falls within the scope and range of impacts considered in their Biological Opinion. For projects deviating outside the range of the Biological Opinion, the Services will complete an individual consultation. This individual consultation will generally take longer than 30 days and may require the submittal of additional information by the applicant. Once the ESA and EFH consultation is finalized, the Corps will conclude its public interest review and, if warranted, issue a Department of the Army permit.

For project types that are identified in the PBA as "excluded" from coverage under the programmatic consultation, generally an individual ESA and EFH consultation will be required. However, some projects may be covered if their effects do not exceed those analyzed in the Biological Opinion. For example, in specific circumstances culverts longer than the general maximum for each category (stream simulation, no slope, hydraulic) may be covered (submit tribal and Washington State Department of Fish and Wildlife supporting documents with your SPIF). Please contact the Corps, NMFS and/or USFWS to determine whether you would need to prepare an individual biological assessment or a SPIF with supplemental information for these types of projects.

Where to Find More Information. The Corps' PBA, the Services' Biological Opinion and the SPIF are available on the Corps' website at: <http://www.nws.usace.army.mil/>
Click on Regulatory – Regulatory Permits – Endangered Species Act – Programmatic Consultations - 2008 Fish Passage and Restoration

If you have any questions concerning the applicability of the 2008 Fish Passage & Restoration PC

for a proposed project or you are interested in attending a training session on use of the programmatic consultation, please contact the Corps or Services at the following addresses.

Western Washington projects:

Corps: Ms. Maryann Baird, (206) 764-5531, Maryann.Baird@usace.army.mil

NMFS: Mr. Dan Guy, (360) 534-9342, Dan.Guy@noaa.gov

USFWS: Mr. John Grettenberger, (360) 753-6044, John_Grettenberger@fws.gov

Central Washington projects (Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan and Yakima, and counties):

Corps: Ms. Maryann Baird, (206) 764-5531, Maryann.Baird@usace.army.mil

NMFS: Mr. Dale Bambrick (509) 962-8911, Dale.Bambrick@noaa.gov

USFWS: Ms. Jessica Gonzales, (509) 665-3508, Jessica_Gonzales@fws.gov

Eastern Washington projects:

Corps: Ms. Maryann Baird, (206) 764-5531, Maryann.Baird@usace.army.mil

NMFS: Mr. Dale Bambrick (509) 962-8911, Dale.Bambrick@noaa.gov

USFWS: Ms. Susan Martin, (509) 893-8015, Susan_Martin@fws.gov